

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, FEBRUARY 13, 2006**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:07 p.m. on Monday, February 13, 2006, with President Gray presiding.

Councillor Borst led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

26 PRESENT: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
3 ABSENT: Bradford, Langsford, Pfisterer

A quorum of twenty-six members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Abdullah recognized Indianapolis Housing Agency Director Rufus “Bud” Myers. Councillor Mansfield introduced the new superintendent of Washington Township Schools, James Mervilde. Councillor Gibson recognized Sheriff Frank Anderson. Councillor Talley recognized his sister, Eva Talley Sanders, a deputy chief for the Sheriff’s Department. Councillor Speedy introduced scoutmasters Jeff Kenworthy and Scott Blackwell and Cub Scout Pack 183.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 13, 2006, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Monroe Gray
President, City-County Council

January 24, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, January 27, 2006, a copy of a Notice of Public Hearing on Proposal Nos. 40-42, 2006, said hearing to be held on Monday, February 13, 2006, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

February 1, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinance:

FISCAL ORDINANCE NO. 5, 2006 – approves an increase of \$194,748 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to provide funding that benefits the Community Work Service program and the Indy Nite Lite program, both of which are provided to the juvenile court by the probation department

FISCAL ORDINANCE NO. 6, 2006 – approves an appropriation totaling \$271,188 in the 2006 Budget of the Marion County Community Corrections (Conditional Release Fund) to pay personal services expenses and equipment lease costs associated with the pre-trial home detention program, financed by fund balance

FISCAL ORDINANCE NO. 7, 2006 - approves an increase of \$14,000 in the 2006 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund), to install soundproofing banners in the animal shelter and to pay advertising costs associated with the Canine Crime Stoppers tip line program and other anti dog-fighting outreach initiatives, financed by private donations

GENERAL ORDINANCE NO. 28, 2006 – creates a county identification security protection fund

GENERAL RESOLUTION NO. 2, 2006 - approves certain public purpose grants totaling \$500,000 from the Drug Free Community Fund

SPECIAL RESOLUTION NO. 4, 2006 - recognizes the Warren Central High School boys' cross country team and coaches

SPECIAL RESOLUTION NO. 5, 2006 - recognizes the Class 5A Warren Central Warriors for their third straight State Football Championship Victory

SPECIAL RESOLUTION NO. 6, 2006 – honors Ted Somerville

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SPECIAL RESOLUTION NO. 7, 2006 – recognizes Frankie Tibbs

SPECIAL RESOLUTION NO. 8, 2006 - recognizes Speedway Junior High School for its No Child Left Behind - National Blue Ribbon School nomination

Respectfully,
s/Bart Peterson, Mayor

February 13, 2006

TO: The members of the Council and to Marion County Residents

Please take notice that a public hearing on Proposal No. 100, 2006, a Special Resolution, which seeks to impose a county economic development tax on the adjusted gross income of county taxpayers, will be held before the Economic Development Committee on Wednesday, March 22, 2006. The meeting will be held in Room 260, City-County Building, 200 E. Washington St., Indianapolis, IN starting at 5:00 p.m. local time.

You are invited to attend the meeting and to express your concerns or support for the proposal.

Respectfully,
s/Monroe Gray, Jr.
President, City-County Council

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of January 23, 2006. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 101, 2006. The proposal, sponsored by All Councillors, honors Deputy Gary Schuller. Councillors Plowman and Franklin read the proposal and presented Deputy Schuller and other representatives with copies of the document and Council pins. Deputy Schuller and Sheriff Frank Anderson thanked the Council for the recognition and stated that there are many dedicated men and women putting their lives on the line to keep this City safe every day. Councillor Plowman moved, seconded by Councillor Franklin, for adoption. Proposal No. 101, 2006 was adopted by a unanimous voice vote.

Proposal No. 101, 2006 was retitled SPECIAL RESOLUTION NO. 9, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2006

A SPECIAL RESOLUTION honoring Deputy Gary Schuller.

WHEREAS, Deputy Gary Schuller was shot in the leg as he and other deputies confronted bank robbery suspects shortly after 10:00 a.m. on Wednesday, December 7, 2005; and

WHEREAS, after Deputy Schuller was shot, one suspect surrendered to officers, while two others escaped on foot; and

WHEREAS, authorities launched an extensive search using armored vehicles, SWAT teams, and heavily armed officers and tracked down the remaining suspects; and

WHEREAS, Deputy Schuller was taken to the hospital for treatment of a shattered bone in his thigh and released Wednesday afternoon; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1: The Indianapolis City-County Council proudly recognizes and honors Deputy Schuller for his bravery and service to the community.

SECTION 2. The Council extends its best wishes to Deputy Schuller for a complete recovery and continues to keep him in many thoughts and prayers.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 102, 2006. The proposal, sponsored by Councillors Talley, Conley, Gibson, Boyd and Sanders, recognizes Courtney E. Morris on her academic accomplishments and approval for publication in the 2005/2006 National Honor Roll Commemorative Edition. Councillor Gibson read the proposal and presented Ms. Morris and her family with copies of the document and Council pins. Councillors Talley, Sanders, Conley and Boyd congratulated Ms. Morris on both her athletic and academic achievements. Ms. Morris, her grandmothers, her mother and her father all thanked the Council for the recognition. Councillor Gibson moved, seconded by Councillor Talley, for adoption. Proposal No. 102, 2006 was adopted by a unanimous voice vote.

Proposal No. 102, 2006 was retitled SPECIAL RESOLUTION NO. 10, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 2006

A SPECIAL RESOLUTION recognizing Courtney E. Morris on her academic accomplishments and approval for publication in the 2005/2006 National Honor Roll Commemorative Edition.

WHEREAS, Courtney Morris is a Freshman at Lawrence North High School and ranks 41 out of 808 Freshmen with a 3.9 grade point average; and

WHEREAS, Courtney has been on Honor Roll since 7th grade, is in the Gifted and Talented Program at Lawrence North, in an advanced writing class called LaSiem, is 2nd Chair of the band in which she plays the French Horn, and plays girls Basketball; and

WHEREAS, Courtney attends engineering camps at Purdue University during the summer and wants to attend Purdue after graduation to major in Civil Engineering; and

WHEREAS, Courtney's induction in the 2005/2006 National Honor Roll enables her eligibility to compete for a National Honor Roll Award for Academic Achievement; and

WHEREAS, this induction allows Courtney to make use of the National Honor Roll's College Admissions Notification Service (CANS), which is an exclusive service that announces her acceptance into the National Honor Roll to the college admissions officials that she designates and tells them that she is interested in learning more about their institutions; and

WHEREAS, Courtney can benefit from widespread exposure during the summer of 2006 when National Honor Roll will notify the governor of Indiana, U.S. Senators, and Indianapolis local newspapers of her achievement; and

WHEREAS, the permanent record of Courtney's accomplishment will be published for all time in the 2005/2006 National Honor Roll; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

February 13, 2006

SECTION 1. The Indianapolis City-County Council proudly recognizes Courtney E. Morris on continued academic success and a noble accomplishment as an inductee of the National Honor Roll.

SECTION 2. The Council heartily congratulates Courtney on a job well done and the opportunity to be a recipient for a National Honor Roll Award for Academic Achievement.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 103, 2006. The proposal, sponsored by Councillor Mansfield, recognizes all involved in the landmark decision by the Metropolitan School District of Washington Township to lease the land at 8900 Ditch Road to its citizens known as the Daubenspeck Community Nature Park for the next 30 years. Councillor Mansfield read the proposal and presented representatives with copies of the document and Council pins. Greg Silver, board member; James Merviled, township school superintendent; Dr. Stephen Teagarden, former superintendent; and Krystal Slivinski, board member, thanked the Council for the recognition. Councillor Mansfield thanked Councillors Gray, Nytes, Schneider and Bradford for encouraging parties to come together on this project. She moved, seconded by Councillor Talley, for adoption. Proposal No. 103, 2006 was adopted by a unanimous voice vote.

Proposal No. 103, 2006 was retitled SPECIAL RESOLUTION NO. 11, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2006

A SPECIAL RESOLUTION recognizing all involved in the landmark decision by the Metropolitan School District of Washington Township to lease the land at 8900 Ditch Road to its citizens known as the Daubenspeck Community Nature Park for the next 30 years.

WHEREAS, Peter Daubenspeck donated land to the Metropolitan School District of Washington Township ("School") on March 18, 1960 for the use and benefit of the community; and

WHEREAS, in 2003 the School Board having determined that this open field of land at 8900 Ditch Road was not needed for development for the School was considering the sale of the land for private development; and

WHEREAS, Council District 2 has very little park space; and

WHEREAS, Deb Ellman Watson, Attorney Gregory Silver, and Councillor Angela Mansfield mobilized the neighborhood associations of North Willow Farms, Pickwick Commons, Misty Lake, Williston Green, and Kings Cove, and other community groups and citizens to stop the sale of this community property collecting nearly 1000 signatures on a petition in support of keeping this property for the benefit of the community; and

WHEREAS, the community organizers later formed the non-profit Daubenspeck Community Nature Park, Inc. in honor of Peter Daubenspeck with the help of the donated legal services of Gregory Silver; and

WHEREAS, the School Board has now determined that it is in the best interest of the community for the land to continue to be used for the public good; and

WHEREAS, on January 25, 2006 the School Board leased the land to Daubenspeck Community Nature Park for term of thirty years; and

WHEREAS, the Daubenspeck Community Nature Park when completed will consist of plant life native to Indiana and walking trails for the use of the community and for students to study plant life and species: now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes and congratulates Deb Ellman Watson, president of Daubenspeck Community Nature Park; the Washington Township School Board members, Cynthia McNeilly, Lori Schlabach, Robert Taylor, Rick Sutton and John W. Hunter; Former Superintendent Dr. Eugene White; Interim Superintendent Dr. R. Stephen Tegarden; Superintendent James D. Mervilde; Washington Township School staff including Phil Smith; Attorney Gregory Silver; Daubenspeck board members, Mitch Pfeiffer, Terry Bonneau, Joe Culp, Jayson Parker, Bruce Molitoris, Krystal Slivinski, Ron Watson, Ed Rohan, and Angela Mansfield; and the homeowners' associations of North Willow Farms, Pickwick Commons, Misty Lake, Williston Green, and Kings Cove for all their hard work in this landmark result of forging a wonderful, long-term agreement that allows them to come together to provide and enhance the quality of life in the neighborhood..

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 612, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 612, 2005 on November 15, 2005 and January 24, 2006. The proposal, sponsored by Councillors Boyd, Gray, Talley and Sanders, designates the Center for Urban Policy and the Environment, Indiana University-Purdue University Indianapolis as the agency to develop the plan for its Early Intervention Planning Council. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Talley, for adoption. Proposal No. 612, 2005 was adopted by a unanimous voice vote.

Proposal No. 612, 2005 was retitled COUNCIL RESOLUTION NO. 11, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 11, 2006

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Center for Urban Policy and the Environment, Indiana University-Purdue University Indianapolis as the existing organization pursuant to City-County G. O. 75, 2005 (Proposal 756, 2004), Sec. 283-503.

WHEREAS, the Early Intervention Planning Council was created by this Council for the purpose of developing a plan for that early intervention that is tailored to provide services targeted to the individual needs of children who have been either adjudicated as, or alleged in a proceeding initiated under IC 31-37 to be delinquent, or identified by the office of Family and Children (county office) as substantially at risk of becoming delinquent children, or have been referred to the county office for services to be provided through the plan; and

WHEREAS, no such plan has either been developed for or in existence in Marion County; and

WHEREAS, the need for such an early intervention plan exists as is evidenced by the current juvenile debt, owed to the State of Indiana as a result of incarcerating children, which debt is in excess of Sixty Million Dollars (\$60,000,000.00); the current demand by the State Department of Child Services for an additional Fifteen Million Six Hundred Thousand Dollars (\$15,600,000.00) for the fiscal year 2005; the estimated additional demand on Marion County tax payers for fiscal year 2006 in the sum of Thirty Million Dollars (\$30,000,000.00); as well as the continuing recidivism rates experienced in and among Marion County children; and

WHEREAS, upon receiving the initial plan, the City-County Council shall consider the plan in developing the family and children's fund budget; and

WHEREAS, the Center for Urban Policy and the Environment, Indiana University-Purdue University Indianapolis has the expertise to assemble, facilitate and manage the team as identified in Sec. 283-502 of the said ordinance; now therefore:

February 13, 2006

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The City-County Council designates the Center for Urban Policy and the Environment, Indiana University-Purdue University Indianapolis as the existing agency with the expertise to assemble, facilitate the meetings of and manage the team necessary to develop an early intervention plan for Marion County.

SECTION 2. The City-County Council's Rules and Public Policy Committee is directed to oversee the timeline and budget for the submission of the plan to the committee and the Council for consideration and adoption.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 625, 2005 and Proposal No. 36, 2006 on February 9, 2006. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 625, 2005. The proposal, sponsored by Councillor Sanders, Talley and Gray, approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy. PROPOSAL NO. 36, 2006. The proposal, sponsored by Councillors Gray, Sanders and Talley, reappoints Gary Gibson to the Equal Opportunity Advisory Board. By 4-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Sanders moved, seconded by Councillor Talley, for adoption. Proposal No. 625, 2005 and Proposal No. 36, 2006 were adopted by a unanimous voice vote.

Proposal No. 625, 2005 was retitled COUNCIL RESOLUTION NO. 12, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 12, 2006

A COUNCIL RESOLUTION approving the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy for a term ending December 31, 2006, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Deputy Mayor for Policy is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Jane Henegar to serve as Deputy Mayor for Policy at his pleasure for a term ending December 31, 2006; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Jane Henegar is approved and confirmed by the City-County Council to serve as Deputy Mayor for Policy for a term ending December 31, 2006, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 36 2006 was retitled COUNCIL RESOLUTION NO. 13, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 13, 2006

A COUNCIL RESOLUTION reappointing Gary Gibson to the Equal Opportunity Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council reappoints:

Gary Gibson

SECTION 2. The appointment made by this resolution, pursuant to Sec. 581-302 of the Revised Code of the City and County, is for a term ending December 31, 2008 and until a successor is appointed and qualifies.

PROPOSAL NO. 668, 2005. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 668, 2005 on January 25, 2006. The proposal, sponsored by Councillors Boyd, Gray and Talley, appoints Dr. Eugene White to the Marion County Community Corrections Advisory Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Boyd, for adoption. Proposal No. 668, 2005 was adopted by a unanimous voice vote.

Proposal No. 668, 2005 was retitled COUNCIL RESOLUTION NO. 14, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 14, 2006

A COUNCIL RESOLUTION appointing Dr. Eugene White to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Dr. Eugene White

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal Nos. 43, 44, and 46-48, 2006 on January 24, 2006. He asked for consent to vote on Proposal Nos. 43, 44, 46, and 47, 2006 together. Councillor Cockrum asked that Proposal No. 44, 2006 be voted on separately. Consent was given to vote on Proposal Nos. 43, 46 and 47, 2006 together.

PROPOSAL NO. 43, 2006. The proposal, sponsored by Councillors Gray and Talley, reappoints Belle T. Choate to the Marion County Alcoholic Beverage Board. PROPOSAL NO. 46, 2006. The proposal, sponsored by Councillor Gray, reappoints Marion County Clerk Doris A. Sadler to the Information Technology Board. PROPOSAL NO. 47, 2006. The proposal, sponsored by Councillors Gray and Talley, reappoints Marion County Treasurer Michael Rodman to the Information Technology Board. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Boyd moved, seconded by Councillor Talley, for adoption. Proposal Nos. 43, 46 and 47, 2006 were adopted by a unanimous voice vote.

Proposal No. 43, 2006 was retitled COUNCIL RESOLUTION NO. 15, 2006, and reads as follows:

February 13, 2006

CITY-COUNTY COUNCIL RESOLUTION NO. 15, 2006

A COUNCIL RESOLUTION reappointing Belle T. Choate to the Marion County Alcoholic Beverage Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Alcoholic Beverage Board, the Council reappoints:

Belle T. Choate

SECTION 2. The appointment made by this resolution, pursuant to Sec. 281-211 of the Revised Code of the City and County, is for a term ending December 31, 2006 and until a successor is appointed and qualifies.

Proposal No. 46, 2006 was retitled COUNCIL RESOLUTION NO. 16, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 2006

A COUNCIL RESOLUTION reappointing Marion County Clerk Doris A. Sadler to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Marion County Clerk Doris A. Sadler

SECTION 2. The appointment made by this resolution, pursuant to Sec. 281-211 of the Revised Code of the City and County, is for a term ending December 31, 2006 and until a successor is appointed and qualifies.

Proposal No. 47, 2006 was retitled COUNCIL RESOLUTION NO. 17, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 17, 2006

A COUNCIL RESOLUTION reappointing Marion County Treasurer Michael Rodman to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Marion County Treasurer Michael Rodman

SECTION 2. The appointment made by this resolution, pursuant to Sec. 281-211 of the Revised Code of the City and County, is for a term ending December 31, 2006 and until a successor is appointed and qualifies.

PROPOSAL NO. 44, 2006. The proposal, sponsored by Councillors Gray and Talley, reappoints Sheriff Frank Anderson to the Information Technology Board. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Talley, for adoption.

Councillor Cockrum stated that this appointee has an attendance record of less than 70%. He said the appointee actually only attended one meeting all last year, and for that reason, he will be voting against the re-appointment.

Councillor Mahern said that while the actual appointee was not able to attend all meetings, he had sent his appointee, and the Sheriff's Department was well represented at these meetings.

Proposal No. 44, 2006 was adopted on the following roll call vote; viz:

20 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Sanders, Talley
4 NAYS: Cockrum, Salisbury, Schneider, Speedy
2 NOT VOTING: Mansfield, Randolph
3 ABSENT: Bradford, Langsford, Pfisterer

Proposal No. 44, 2006 was retitled COUNCIL RESOLUTION NO. 18, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 18, 2006

A COUNCIL RESOLUTION reappointing Sheriff Frank Anderson to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Sheriff Frank Anderson

SECTION 2. The appointment made by this resolution, pursuant to Sec. 281-211 of the Revised Code of the City and County, is for a term ending December 31, 2006 and until a successor is appointed and qualifies.

PROPOSAL NO. 48, 2006. The proposal, sponsored by Councillors Gray, Brown, Borst, Sanders and Talley, approves the Mayor's appointment of John J. Dillon as Chief Deputy Mayor. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Boyd asked Mr. Dillon to come forward and introduce himself. Mr. Dillon stated that he is looking forward to working closely with the Council on important issues.

Councillor Boyd moved, seconded by Councillor Sanders, for adoption. Proposal No. 48, 2006 was adopted by a unanimous voice vote.

Proposal No. 48, 2006 was retitled COUNCIL RESOLUTION NO. 19, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 19, 2006

A COUNCIL RESOLUTION approving the Mayor's appointment of John J. Dillon as Chief Deputy Mayor for a term ending December 31, 2006, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of Deputy Mayor is subject to the approval of the City-County Council; and

February 13, 2006

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of John J. Dillon to serve as Chief Deputy Mayor at his pleasure for a term ending December 31, 2006; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. John J. Dillon is approved and confirmed by the City-County Council to serve as Chief Deputy Mayor for a term ending December 31, 2006, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 66, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints James Beard to the Common Construction Wage Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 67, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jackie Nytes to the City-County Internal Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 68, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints John Thompson to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 69, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Steve Ajamie to the County Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 70, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Leland Thomas to the County Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 71, 2006. Introduced by Councillors Mahern and Keller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which changes the name of the Division of Community Development in the Department of Metropolitan Development to the Division of Community Economic Development and moves certain duties and responsibilities from the Division of Administrative Services to the newly named division"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 72, 2006. Introduced by Councillors Mahern, Keller, Cockrum and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$643,674 in the 2006 Budget of the Department of Metropolitan Development, Compliance Division (Consolidated County Fund) to pay for salaries, benefits and other operating costs for seven full time staff to work in code compliance, financed by increased revenues from new and increased permit fees"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 73, 2006. Introduced by Councillors Mahern, Keller, Cockrum and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$3,333,734 in the 2006 Budget of the Department of Metropolitan Development, Planning Division (Federal Grants and Non-Lapsing Federal Grants Funds) to perform various studies related to rapid transit, funded by a Federal Transit Administration "New Start" grant, and to undertake other transportation planning activities provided for through additional grant funds available to the Metropolitan Planning Organization (MPO), including GIS data development, school outreach programs and other studies for surrounding communities that contribute funding to the MPO, financed by federal funds and contributions from partners from surrounding municipalities"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 74, 2006. Introduced by Councillors Mahern, Keller, Cockrum and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$50,000 in the 2006 Budget of the Department of Metropolitan Development, Compliance Division (Federal Grants Fund) to provide on-call engineering reviews of flood mapping and related technical assistance to assess flood hazards in Marion County, financed by a federal grant from FEMA"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 75, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Emily Nichols to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 76, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Rick Cockrum to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 77, 2006. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$28,495 in the 2006 Budget of the Department of Parks and Recreation (Park General Fund) to fund after school programming at IPS School 27/Charity Dye, and to pay for food supplies for youth attending after school programs at various sites, financed by grants from the United Way and the Hoover Family Foundation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 78, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Brian Carney to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 79, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert A. Brown to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 80, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Kim Robinson to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 81, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Al Polin to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 83, 2006. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$50,288 in the 2006 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to pay for overtime of deputies involved in the F.B.I. Joint Terrorism Task Force, the Drug Enforcement Administrations Task Force, and the Organized Crime Drug Enforcement Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 84, 2006. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$74,287 in the 2006 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to provide support for the many and varied needs of the Marion County Jail, funded by the State Criminal Alien Assistance Program of the Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 85, 2006. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$292,331 in the 2006 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to reappropriate unspent balances from seven previously approved US Department of Justice grants and to appropriate four new grants from the Federal Highway Traffic Safety agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 86, 2006. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$64,859 in the 2006 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to purchase equipment needed by the Firearms Unit of the crime lab, financed by a grant awarded by the Indiana Criminal Justice Institute on behalf of the US Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 87, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and new appropriations totaling \$896,335 in the 2006 Budget of the Marion County Justice Agency (Federal Law Enforcement Equitable Sharing Fund and Federal Grants Fund) to share federal forfeiture revenues resulting from investigations and prosecutions involving the Metro Drug Task Force and to implement a US Department of Justice "Project Safe Neighborhood" grant to reduce gun crime and gun violence, financed by transfers and new federal funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 88, 2006. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$50,000 in the 2006 Budget of the Marion County Coroner (County General Fund) to provide funding for purchasing necessary supplies for use in performing autopsies, financed by a transfer between characters"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 89, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$51,440 in the 2006 Budget of the Marion County Public Defender Agency (County General Fund) to pay for one full time attorney to represent clients in the major felony court ("drug court")"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 90, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Al Finnell to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 91, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Greg Taylor to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 92, 2006. Introduced by Councillors Conley, McWhirter and Salisbury. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves and authorizes execution of agreements between the City of Indianapolis and Hendricks County, Indiana, for the exercise of eminent domain authority and the construction of bridge and road improvements in Marion and Hendricks Counties"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 93, 2006. Introduced by Councillors Conley, Abdullah, Keller and Gibson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the contract with the Indianapolis Power and Light Company to provide energy for public lighting, including street lighting, for streetlights and traffic signals owned by the Consolidated City of Indianapolis, Marion County, Indiana, and authorizes the Director of the Department of Public Works to execute the contract"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 94, 2006. Introduced by Councillors Conley, Abdullah and Keller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Monument Circle and the Circle Spokes (Districts 15, 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 95, 2006. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes an all-way stop at the intersection of Trotter Road and Mooresville Road (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 96, 2006. Introduced by Councillors Gray, Borst and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Title 1, Chapter 291, Personnel, Sec. 291-113 (a), background checks required of the Revised Code"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 97, 2006. Introduced by Councillors Franklin, Randolph, Mahern and Brown. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which encourages the development of a program for the employment of ex-offenders, where appropriate, by the Consolidated City and County and certain contractors with the Consolidated City and County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 98, 2006. Introduced by Councillor Salisbury. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code, Chapter 135, Article II, to create a new Section 224 establishing a mandatory electronic filing and certification process in the office of the Marion County Auditor"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 100, 2006. Introduced by Councillors Nytes, Gibson, Gray, Brown and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which

imposes a county economic development income tax on the adjusted gross income of county taxpayers"; and the President referred it to the Economic Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Sanders made the following motion:

Mr. President:

I move that Proposal No. 113, 2006 (Rezoning Case 2005-ZON-146/2005-DP-013), located at 6137 and 6155 Winthrop Avenue in District 3, be scheduled for a hearing before this Council at its regular meeting on March 6, 2006 at 7:00 p.m. and that the General Counsel read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Talley seconded the motion.

Councillor Schneider stated that Councillor Bradford, in whose district this project is located, asked that he convey his wishes in his absence that Councillors not support a motion for public hearing on this zoning issue.

Proposal No. 113, 2006 was scheduled for a public hearing on the following roll call vote; viz:

16 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

10 NAYS: Borst, Cain, Cockrum, Day, McWhirter, Plowman, Randolph, Salisbury, Schneider, Speedy

0 NOT VOTING:

3 ABSENT: Bradford, Langsford, Pfisterer

Proposal No. 113, 2006 is identified as follows:

2005-ZON-146 (2005-DP-013)

6137 AND 6155 WINTHROP AVENUE (Approximate Addresses), INDIANAPOLIS
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

KOSENE ACQUISITIONS, II, by Stephen D. Mears, requests a rezoning of 1.43 acres, being in the D-5 District, to the D-P classification to provide for the construction of 31 multi-family dwelling units at a density of 21.09 units per acre.

General Counsel Aaron E. Haith made the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2005-ZON-146 (2005-DP-013), Council Proposal No. 113, 2006, at its next regular meeting on March 6, 2006, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 1.43 acres from the D-5 District to the D-P classification to provide for the construction of 31 multi-family dwelling units at a density of 21.09 units per acre.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

PROPOSAL NO. 104, 2006, PROPOSAL NO. 105, 2006, PROPOSAL NO. 106, 2006, PROPOSAL NO. 107, 2006, PROPOSAL NOS. 108-109, 2006, PROPOSAL NO. 110, 2006, PROPOSAL NO. 111, 2006, PROPOSAL NO. 112, 2006 and PROPOSAL NOS. 114-122, 2006. Introduced by Councillor Mahern. Proposal No. 18, 2006, Proposal No. 19, 2006, and Proposal Nos. 20-24, 2006 are proposals for Rezoning Ordinances certified by the Metropolitan

Development Commission on January 20, 23, 27, 2006 and February 1 and 2, 2006. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 33-50, 2006, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 33, 2006.

2005-ZON-825

1629 AND 1651 NORTH COLLEGE AVENUE (Approximate Addresses), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15.

J L M DEVELOPMENT II, LLC, requests a rezoning of 0.922 acre, being in the C-1 District to the D-8 classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 34, 2006.

2005-ZON-140 (2005-DP-011)

2449-2509 NORTH DELAWARE STREET (Approximate Addresses), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15.

MANSUR REAL ESTATE SERVICES, INC. requests a rezoning of 0.64 acre, being in the D-8 and C-3 Districts, to the D-P classification to provide for the construction of two mixed-use building containing a total of nine mixed-use commercial/residential units with a density of 14.06 units per acre.

REZONING ORDINANCE NO. 35, 2006.

2005-ZON-160

8600 COMBS ROAD (Approximate Address), INDIANAPOLIS
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25.

LYLE W. SMITH AND PATRICIA J. SMITH, by David A. Retherford, requests a rezoning of ten acres, being in the D-A District, to the I-3-S classification to provide for the construction of a printing equipment repair and maintenance facility and a self-storage business.

REZONING ORDINANCE NO. 36, 2006.

2005-ZON-827 (Amended)

10538 AND 10540 EAST 79TH STREET (Approximate Addresses), INDIANAPOLIS
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5.

RICHARD RICHWINE, by Thomas Michael Quinn, requests a rezoning of 8.55 acres, being in the D-A (W-5)(W-1) District to the D-1 (W-5)(W-1) classification to provide for single-family residential development.

REZONING ORDINANCE NO. 37, 2006.

2005-ZON-188

221 FULTON STREET (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

CHRIS HASLER, requests a rezoning of .1 acre, being in the I-3-U Districts, to the CBD-2 classification to construct a garage addition to the existing building and canopy over front door.

REZONING ORDINANCE NO. 38, 2006.

2005-ZON-189

227-231 EAST SAINT JOSEPH (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

NDZA, INC., by David Kingen requests a rezoning of 0.28 acre, being in the C-4 District, to the CBD-2 classification to provide for residential uses.

REZONING ORDINANCE NO. 39, 2006.

2005-ZON-175

9743 EAST 30TH STREET (Approximate Address), INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 18.

COHRON INVESTMENTS, LLC, by Thomas Michael Quinn, requests a rezoning of 6.5 acres, being in the D-6II District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 40, 2006.

2005-ZON-120

9741 PENTECOST ROAD (Approximate Address), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25.

TRITON DEVELOPMENT, LLC, by Thomas Michael Quinn, requests a rezoning of 68.337 acres, being in the D-A (FF) District, to the D-3 (FF) classification to provide for residential uses.

REZONING ORDINANCE NO. 41, 2006.

2005-ZON-185

9402 HAVER WAY (Approximate Address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3

D.J. REINBOLD REALTY, LLC, by Philip A. Nicely, requests a rezoning of 3.55 acres, being in the C-6 District, to the C-5 classification to provide for automotive related uses.

REZONING ORDINANCE NO. 42, 2006.

2005-ZON-173

2255 RALSTON AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9.

JIREH SPORTS AND DOUGLASS LITTLE LEAGUE request a rezoning of 9.87 acres, being in the I-3-U District, to the SU-16 classification to provide for recreational uses.

REZONING ORDINANCE NO. 43, 2006.

2005-ZON-182

449 NORTH 13TH AVENUE (Approximate Address), CITY OF BEECH GROVE

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 20.

LANCE AND REGINA BRUNER request a rezoning of 0.18 acre, being in the C-1 District, to the D-5 classification to legally establish a single-family dwelling.

REZONING ORDINANCE NO. 44, 2006.

2005-ZON-193

2926 AND 3000 EAST NEW YORK STREET (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

NANCY A. LONG requests a rezoning of 1.2 acres, being in the D-8 and D-5 Districts, to the C-1 classification to legally establish office commercial uses.

REZONING ORDINANCE NO. 45, 2006.

2005-ZON-194

4400 HAUGHEY AVENUE (Approximate Address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 8.

V.P. CONSTRUCTION COMPANY, INC. requests a rezoning of 1.14 acres, being in the UQ-1 District, to the UQ-2 classification to legally establish a fraternity house, and to provide for the construction of a two-story addition with a building footprint of 2,020.2-square feet.

REZONING ORDINANCE NO. 46, 2006.

2005-ZON-195

6800 AND 6971 GRAY ROAD (Approximate Addresses), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.

MOTELS OF INDIANAPOLIS, LLP, by Stephen D. Mears, requests a rezoning of 1.51 acres, being in the C-3 District, to the C-6 classification to provide for thoroughfare service commercial uses.

REZONING ORDINANCE NO. 47, 2006.

2005-ZON-196

543, 602, 613, AND 615 NORTH BERWICK AVENUE AND 3442 WEST NORTH STREET (Approximate Addresses), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 14.

FAIRFAX CHRISTIAN CHURCH/CHARLES W. BAXTER TRUST requests a rezoning of 1.145 acres, being in the D-5 District, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 48, 2006.

2005-ZON-199

2125 WAGNER LANE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 20.

HABITAT FOR HUMANITY OF GREATER INDIANAPOLIS, INC., by David Kingen, requests a rezoning of 1.51 acres, being in the D-3 District, to the D-8 classification to provide for residential uses.

REZONING ORDINANCE NO. 49, 2006.

2005-ZON-843

2121, 2129, AND 2149 MASSACHUSETTS AVENUE (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #10.

2129 MASSACHUSETTS AVENUE, LLC, by David Kingen, requests a rezoning of 0.687 acre, being in the C-7 District, to the I-1-U classification to legally establish, and provide for the expansion of light industrial uses.

REZONING ORDINANCE NO. 50, 2006.

2005-ZON-853

7828 WEST WASHINGTON STREET AND 1943 AND 1950 BREWER ROAD (Approximate Addresses), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13.

STEVEN W. CORBETT, by Ray Good, request a rezoning of 4.796 acres, being in the D-3 District, to the C-S classification to provide for a self-storage warehouse facility and a tree and shrub sales business.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 174, 2005. Councillor Bowes reported that the Community Affairs Committee heard Proposal No. 174, 2005 on May 18 and September 6, 2005 and January 31, 2006. The proposal, sponsored by Councillor Plowman, approves an increase of \$2,300,150 in the 2005 budget of the Marion County Auditor (County General Fund) to make a payment for the housing of juvenile inmates, funds transferred from the Children's Psychiatric Residential Treatment Fund to the County General Fund (IC 12-19-7.5-33). By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Bowes moved, seconded by Councillor Mahern, to strike. Proposal No. 174, 2005 was stricken by a unanimous voice vote.

PROPOSAL NO. 40, 2006. Councillor Nytes, who chaired the Committee in Councillor Sanders' absence, reported that the Administration and Finance Committee heard Proposal No. 40, 2006 on February 9, 2006. The proposal, sponsored by Councillors Sanders and McWhirter, approves an increase of \$857,539 in the 2006 Budget of the Marion County Assessor, Center Township Assessor, Decatur Township Assessor, Franklin Township Assessor, Lawrence Township Assessor, Perry Township Assessor, Perry Township Assessor, Pike Township Assessor, Warren Township Assessor, Washington Township Assessor, and Wayne Township Assessor (Property Reassessment Fund) to pay for expenses that were not provided for in the original 2006 approved budget. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Gray called for public testimony at 8:12 p.m.

Robert Yahara, citizen, commended the township assessors for their bi-partisan effort in this important process. He said that he supports township government and this proposal will allow valuable jobs to continue, as the impact of property taxes is important to every property owner.

Councillor Nytes said that while she is proud of the cooperative solutions, she does not want it interpreted that support of this proposal signifies her support that township assessors is the best

way to accomplish these goals in the future, but it simply is the only way available to the City at this time.

There being no further testimony, Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 40, 2006 was adopted on the following roll call vote; viz:

24 YEAS: *Abduallah, Borst, Bowes, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
2 NOT VOTING: *Boyd, Randolph*
3 ABSENT: *Bradford, Langsford, Pfisterer*

Proposal No. 40, 2006 was retitled FISCAL ORDINANCE NO. 8, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Eight Hundred Fifty-seven Thousand Five Hundred Thirty-nine Dollars (\$857,539) in the Property Reassessment Fund for purposes of the Marion County Assessor, Center Township Assessor, Decatur Township Assessor, Franklin Township Assessor, Lawrence Township Assessor, Perry Township Assessor, Pike Township Assessor, Warren Township Assessor, Washington Township Assessor, and Wayne Township Assessor and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.04 (c-l) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Assessor, Center Township Assessor, Decatur Township Assessor, Franklin Township Assessor, Lawrence Township Assessor, Perry Township Assessor, Pike Township Assessor, Warren Township Assessor, Washington Township Assessor, and Wayne Township Assessor to pay for various department expenses not included in the 2006 budget.

SECTION 2. The sum of Eight Hundred Fifty-seven Thousand Five Hundred Thirty-nine Dollars (\$857,539) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
2. Supplies	8,400
3. Other Services & Charges	65,155
4. Capital Outlay	<u>14,000</u>
TOTAL INCREASE	87,555
 <u>CENTER TOWNSHIP ASSESSOR</u>	 <u>PROPERTY REASSESSMENT FUND</u>
2. Supplies	2,500
3. Other Services & Charges	73,000
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	79,500
 <u>DECATUR TOWNSHIP ASSESSOR</u>	 <u>PROPERTY REASSESSMENT FUND</u>
3. Other Services & Charges	38,615
4. Capital Outlay	<u>4,500</u>
TOTAL INCREASE	43,115

FRANKLIN TOWNSHIP ASSESSOR

3. Other Services and Charges	32,807
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	36,807

PROPERTY REASSESSMENT FUND

LAWRENCE TOWNSHIP ASSESSOR

2. Supplies	4,000
3. Other Services & Charges	144,956
4. Capital Outlay	<u>54,000</u>
TOTAL INCREASE	202,956

PROPERTY REASSESSMENT FUND

PERRY TOWNSHIP ASSESSOR

1. Personal Services	50,000
2. Supplies	2,100
3. Other Services & Charges	32,901
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	89,001

PROPERTY REASSESSMENT FUND

PIKE TOWNSHIP ASSESSOR

1. Personal Services	59,545
2. Supplies	1,300
3. Other Services & Charges	22,259
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	87,104

PROPERTY REASSESSMENT FUND

WARREN TOWNSHIP ASSESSOR

2. Supplies	2,500
3. Other Services & Charges	36,662
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	43,162

PROPERTY REASSESSMENT FUND

WASHINGTON TOWNSHIP ASSESSOR

3. Other Services & Charges	47,781
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	51,781

PROPERTY REASSESSMENT FUND

WAYNE TOWNSHIP ASSESSOR

2. Supplies	796
3. Other Services & Charges	131,762
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	136,558

PROPERTY REASSESSMENT FUND

SECTION 4. The said additional appropriation is funded by the following reductions:

Unappropriated and Unencumbered

Property Reassessment Fund	<u>857,539</u>
TOTAL REDUCTION	857,539

PROPERTY REASSESSMENT FUND

SECTION 5. The projected December 31, 2006 fund balance for the Property Reassessment Fund is as follows:

Cash Balance as of December, 2005	2,415,019
Estimated remaining revenues to be received this year	<u>1,737,815</u>
Total Funds Available	4,152,834
2006 remaining CY and PY appropriations beginning January 2006	2,521,163
Proposed increase in appropriations	<u>857,539</u>
Total Requirements	3,378,702

Estimated Fund Balance December 31, 2006 774,132

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 41, 2006. Councillor Bowes reported that the Community Affairs Committee heard Proposal No. 41, 2006 on January 31, 2006. The proposal, sponsored by Councillor Bowes, approves an appropriation of \$3,366,790 in the Budget of the Marion County Auditor (Children's Psychiatric Residential Treatment Services Fund) to pay the Indiana Department of Correction for expenses of incarcerating juveniles at the Plainfield and Indianapolis youth correctional facilities. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Gray called for public testimony at 8:16 p.m.

Mr. Yahara stated that he supports this proposal.

There being no further testimony, Councillor Bowes moved, seconded by Councillor Conley, for adoption. Proposal No. 41, 2006 was adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

3 ABSENT: Bradford, Langsford, Pfisterer

Proposal No. 41, 2006 was retitled FISCAL ORDINANCE NO. 9, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Three Million Three Hundred Sixty Six Thousand Seven Hundred Ninety Dollars (\$3,366,790) in the Children's Psychiatric Residential Treatment Services Fund for purposes of Marion County Auditor and reducing the unappropriated and unencumbered balance in the Children's Psychiatric Residential Treatment Services Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 {c} of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Auditor to pay the Indiana Department of Correction for expenses of incarcerating juveniles at the youth correctional facilities, in accord with IC 12-19-7.5-33, financed by fund balance,.

SECTION 2. The sum of Three Million Three Hundred Sixty Six Thousand Seven Hundred Ninety Dollars (\$3,366,790) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY AUDITOR</u>	<u>CHILDREN'S PSYCHIATRIC RESIDENTIAL</u>
	<u>TREATMENT SERVICES FUND</u>
3. Other Services and Charges	<u>3,366,790</u>
TOTAL INCREASE	3,366,790

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CHILDREN'S PSYCHIATRIC RESIDENTIAL</u>
	<u>TREATMENT SERVICES FUND</u>
Unappropriated and Unencumbered	
Children's Psychiatric Residential Treatment Services Fund	<u>3,366,790</u>
TOTAL REDUCTION	3,366,790

SECTION 5. The projected December 31, 2006, fund balance for the Childrens' Psychological Residential Treatment Fund, is as follows:

Projected fund balance at the end of 2005	3,885,242
Estimated Revenues to be received in 2006	<u>1,819,898</u>
Total Funds Available	5,705,140
Approved 2006 appropriations	2,338,350
Proposed additional appropriation (this proposal)	<u>3,366,790</u>
Total Requirements	5,705,140

Estimated Fund Balance December 31, 2006 **0**

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 42, 2006. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 42, 2006 on January 25, 2006. The proposal, sponsored by Councillors Moriarty Adams and McWhirter, approves an increase of \$78,940 in the 2006 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund) to implement a Badges Without Borders program for public safety personnel in foreign language, cultural and diversity training, financed by a federal grant administered by the Indiana Criminal Justice Institute in conjunction with the U.S. Department of Justice. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Gray called for public testimony at 8:23 p.m.

Mr. Yahara stated that he would suggest a program entitled "Badges Across Borders" instead of "without" borders. He said that there needs to be more cultural sensitivity.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 42, 2006 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
1 NAY: Cain
1 NOT VOTING: Abduallah
3 ABSENT: Bradford, Langsford, Pfisterer

Proposal No. 42, 2006 was retitled FISCAL ORDINANCE NO. 10, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating an additional Seventy Eight Thousand Nine Hundred Forty Dollars (\$78,940) in the Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2006 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to implement a Badges Without Borders program for public safety personnel in foreign language,

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cultural and diversity training, financed by a federal grant administered by the Indiana Criminal Justice Institute in conjunction with the U.S. Department of Justice.

SECTION 2. The sum of Seventy Eight Thousand Nine Hundred Forty Dollars (\$78,940) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

NON-LAPSING FEDERAL GRANTS

1. Personal Services	15,000
2. Supplies and Materials	2,900
3. Other Services and Charges	<u>61,040</u>
TOTAL INCREASE	78,940

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS

Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>78,940</u>
TOTAL REDUCTION	78,940

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated. The twenty-five percent (25%) match for this grant will be paid through existing character one appropriations within the Police General portion of the 2006 budget.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 39, 2006. Councillor Nytes, who chaired the Committee in Councillor Sanders' absence, reported that the Administration and Finance Committee heard Proposal No. 39, 2006 on February 9, 2006. The proposal, sponsored by Councillors Gray, Sanders, Conley and Brown, approves the Installment Tax Payment Plan for certain real estate taxes. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 39, 2006 was adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

0 NOT VOTING:

3 ABSENT: Bradford, Langsford, Pfisterer

Proposal No. 39, 2006 was retitled SPECIAL RESOLUTION NO. 12, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 2006

A PROPOSAL FOR A SPECIAL RESOLUTION approving the Installment Tax Payment Plan for certain real estate taxes.

WHEREAS, I.C. 6-1.1-22-9.5 authorizes the County Treasurer, with the approval of the County Auditor, and the City-County Council to petition the Indiana Department of Local Government Finance (DLGF) to approve a schedule of installment payments of real property taxes for certain real estate parcels with a Homestead Credit; and

WHEREAS, the County Treasurer has developed an Installment Tax payment Agreement to allow eligible taxpayers to pay their real-property taxes in more than two installments as required by I.C. 6-1.1-22-9(a); and

WHEREAS, a copy of this proposed Installment Tax Payment Agreement and Petition to the DLGF is attached, and taxpayers would have to meet all of the criteria 1 – 4 listed on the petition to be submitted to the DLGF for taxes first due and payable in 2006; and

WHEREAS, the County Treasurer will require eligible taxpayers to sign an Installment Tax Payment Agreement for taxes first due and payable in 2006; and

WHEREAS, the City-County Council approves and recommends a petition to the DLGF to approve the proposed Installment Tax Payment Agreement; now therefore, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The City-County Council approves and recommends the Installment Tax Payment Agreement established by the County Treasurer and the County Auditor.

SECTION 2. The City-County Council joins the County Auditor and the County Treasurer in requesting tha the Indiana Department of Local Government Finance approve the proposed Installment Tax Payment Agreement.

SECTION 3. This Special Resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal Nos. 49 and 50, 2006 on January 24, 2006. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 49, 2006. The proposal, sponsored by Councillors Boyd, McWhirter and Speedy, amends the Code to clarify Sec. 996-43, deleting references to limos and increasing current taxicab inspection fees. PROPOSAL NO. 50, 2006. The proposal, sponsored by Councillors Bowes, Keller, Mahern, Moriarty Adams and Mansfield, amends the Noise Ordinance to bring it into compliance with federal constitutional law. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor McWhirter stated that she understood there was a technical amendment needed on Proposal No. 49, 2006. Mr. Haith stated that the Rules of the Council allows the General Counsel and Fiscal Officer to make technical corrections as the one brought to their attention earlier by the Minority Caucus Counsel.

Councillor Bowes thanked Terry Kendrick and Tenley Drescher of the Office of Corporation Counsel who have worked hard on these proposals.

Councillor Mahern said that he supports those changes that relate to development and more construction time allowed on projects.

Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 49 and 50, 2006 were adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

3 ABSENT: *Bradford, Langsford, Pfisterer*

Proposal No. 49, 2006 was retitled GENERAL ORDINANCE NO. 29, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 2006

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to repeal limousine regulations, make corresponding changes, and clarify the requirements regarding the number of taxicabs per applicant for a public vehicle for hire license.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding the schedule of code provisions and penalties, hereby is amended by the deletion of the language that is stricken-through and the addition of the language that is underscored, to read as follows::

Sec. 103-52. Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load - first offense in calendar year	50.00
391-302	Unlawful noise - first offense in calendar year	50.00
391-303	Noisy house - first offense in calendar year	50.00
407-103	Loitering - first offense in calendar year	50.00
431-108	Parking prohibited for street repairs and cleaning	20.00
431-314	Premises address violation - second offense in calendar year	25.00
431-602	Bicycles – second and subsequent violations regarding children under twelve	50.00
431-603	Unlawful operation of bicycle – first violation	50.00
431-702	Prohibited activity in roadways – first violation in twelve month period	25.00
431-703	Interference with vehicular traffic – first violation in twelve month period	25.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	20.00
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	20.00
441-407	Display of unauthorized traffic controls	15.00
441-408	Interference with traffic control devices	15.00
441-503	Consumption or possession by operator of motor vehicle	
	first offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages	
	first offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large - first offense in twelve month period	50.00
611-403	Unlawful loading or unloading of private bus	15.00
611-501	Unlawful stopping of food vendor vehicle	15.00
611-502	Violation of noise restriction on food vendors	15.00
611-504	Failure of food vending vehicle to display required warnings	15.00
611-506	Unlawful vending from other than curb side of vending vehicle	15.00
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00

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621-107	Unlawful parking in certain school areas	20.00
621-108	Unlawful manner of parking	20.00
621-109	No required lights on certain parked vehicles	20.00
621-110	Violation of handicapped parking restrictions	100.00
621-111	Unlawful parking in handicapped parking meter zone	100.00
621-112	Unloading perpendicular to curb without permit	20.00
621-113	Unlawful use of bus stops and taxicab stands	20.00
621-114	Unlawful use of passenger and loading zones	20.00
621-115	Unlawful parking adjacent to certain buildings	20.00
621-116	Unlawful parking for display for sale or advertising	20.00
621-117	Unlawful parking for more than six (6) hours	20.00
621-118	Unlawful parking of commercial vehicles at night	20.00
621-119	Unlawful parking in alleys or on certain narrow streets	20.00
621-120	Unlawful parking in designated special parking areas	20.00
621-121	Parking on certain streets where prohibited at all times	20.00
621-122	Stopping, standing or parking on streets where prohibited at all times	20.00
621-123	Parking on certain streets where prohibited at all times on certain days	20.00
621-124	Parking on certain streets when prohibited at certain times on certain days	20.00
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets.	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	20.00
621-203	Parking in excess of time permitted in parking meter zone	20.00
621-210	Parking in meter zone when temporarily prohibited	20.00
621-216	Overtime parking in metered parking space	20.00
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	20.00
621-405	Unlawful parking in certain mailbox zones	20.00
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center - non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	75.00
621-502	Unlawful obstruction of fire lane	75.00
631-102	In park after hours-first offense in calendar year	50.00
631-109	Alcohol in park-first offense in calendar year	50.00
645-528	Skateboard or similar play device - first offense in calendar year	50.00
730-505	Civil zoning violations - first offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00
811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
Ch. 895	Horse-drawn carriage violation - first offense in twelve month period	100.00
Ch. 903	Pedal cab violation - first offense in twelve month period	100.00
931-305	Excessive parking charge at commercial parking facility – first offense in twelve month period	100.00
996-64	No monthly limousine certificate – first offense in twelve month period	25.00
996-77	No monthly taxicab certificate - first offense in twelve month period	25.00
996-123	Failure to maintain public vehicle for hire - first offense in twelve month period	25.00
996-124	Limousine or Taxicab operator dress code violation - first offense in twelve month period	25.00
996-126	Failure to display licenses or fare schedule - first offense in twelve month period	25.00
996-138	Limousine or Taxicab operator exceeding limitation on hours - first offense in twelve month period	25.00

SECTION 2. Section 621-403 of the “Revised Code of the Consolidated City and County,” regarding taxicab stands, hereby is amended by the deletion of the language that is stricken-through and the addition of the language that is underscored, to read as follows:

Sec. 621-403. Taxicab stands.

(a) Stands or zones for taxicabs may be established by resolution of the board of public works upon compliance with the procedures of section 621-401 for passenger and materials loading zones.

(b) Between the hours of 6:00 a.m. and 10:00 p.m., it shall be unlawful for any vehicle other than a licensed taxicab in service and attended, and except as provided in subsection (c) of this section, to park or stop in a designated and posted taxicab stand.

(c) Between the hours of 9:00 p.m. on Thursday, Friday and Saturday and 4:00 a.m. on the following morning, it shall be unlawful for any vehicle, other than a ~~licensed~~ taxicab licensed by the city or ~~licensed~~ limousine licensed by the state in service and attended, to park or stop in a designated and posted taxicab stand designated as follows:

Broad Ripple Avenue, on the north side, from a point 10 feet east of *Carrollton Avenue*, to a point 373 feet east of *Carrollton Avenue*.

SECTION 3. Section 911-1 of the "Revised Code of the Consolidated City and County," regarding definitions applying in Chapter 911, hereby is amended by the deletion of the language that is stricken-through and the addition of the language that is underscored, to read as follows:

Sec. 911-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Bathhouse means any building, room, place or establishment, other than a regularly licensed hospital, dispensary, hotel, rooming house or public lodging house, where members of the public are provided with baths, regardless of whether steam, vapor, water, sauna or otherwise.

Body painting model means a person who allows any part of his or her body to be painted with any paint, dye, tint, spray or other material while such person is serving as an employee or receiving other compensation by or through any body painting studio as defined herein.

Body painting studio means any shop, establishment, place of business or other operation that employs or otherwise compensates persons for serving as models for the painting of any part of the human body with any paint, dye, tint, spray or other material.

Escort means and includes a person who is employed, advertised or promoted by, associated with, or otherwise compensated by or through, an escort service for serving as an escort, host or hostess, and who is not licensed as a massage therapist or nude model.

Escort service means any shop, establishment, place of business, business association, or other operation that promotes, advertises, employs or otherwise compensates persons to serve as escorts, and that is not licensed as a massage parlor, nude modeling studio, body painting studio, or taxicab, ~~or limousine~~.

Massage means any method of treating the superficial soft parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading or tapping with the hands or instruments.

Massage parlor means any building, room, place or establishment, other than:

- (1) A massage therapy school certified by the state;
- (2) A regularly licensed hospital or dispensary; or
- (3) A facility wherein each person who administers a massage is exempt from the license requirement under subsection (c) of section 911-2 of the Code;

where nonmedical and nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by anyone not a physician, osteopath, chiropractor, podiatrist or physical therapist duly registered with and licensed by the state.

Massage therapist means a person who practices, administers or teaches all or any of the subjects or methods of treatment defined herein as massage therapy.

Massage therapy means the act of body massage, either by mechanical or electrical apparatus or otherwise, for the purpose of reducing or contouring the body by the use of oil rub, salt, hot and cold packs, cold showers and cabinet baths.

Nude model means a person who engages in nude modeling for a nude modeling studio.

Nude modeling means the posing by a human male or female with his or her sexual and/or genital areas not covered by a fully opaque covering, while such person is an employee or receiving other compensation by or through any nude modeling studio, as defined in this section, and shall not include any activity which involves the touching of another person; however, nude modeling at or on behalf of any properly accredited institution of higher education shall not fall within this definition.

Nude modeling studio means any shop, establishment, place of business or other operation that employs or otherwise compensates persons for serving as models for purposes of nude modeling. However, any properly accredited institution of higher learning shall not fall within this definition.

Person employed means and includes a massage therapist, body painting model, escort or nude model who performs any function at an establishment required to be licensed under this chapter, either:

- (1) As an employee or independent contractor; or
- (2) Otherwise, with the knowledge and consent;

of the owner or operator of the establishment.

Sexual and/or genital area means and includes human male or female genitals, pubic area, anus or perineum, and human female vulva or breast.

SECTION 4. Section 996-12 of the "Revised Code of the Consolidated City and County," regarding the definition of "limousine," hereby is REPEALED.

SECTION 5. Section 996-41 of the "Revised Code of the Consolidated City and County," regarding public vehicle for hire licenses, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 996-41. Separate license.

A separate license shall be required for each public vehicle for hire. Each public vehicle for hire shall have one (1) license: ~~either a limousine license or a taxicab license~~. In order to be licensed, ~~every limousine and every taxicab~~ must satisfy both:

- (1) The general licensure requirements for public vehicles for hire; and
- (2) The additional specific requirements imposed by the article for ~~either limousine licenses or taxicab licenses, whichever is applicable~~.

SECTION 6. Section 996-43 of the "Revised Code of the Consolidated City and County," regarding a person's eligibility to apply for a public vehicle for hire license and the required number of taxicabs per applicant, hereby is amended by the deletion of the language that is stricken-through and the addition of the language that is underscored, to read as follows:

Sec. 996-43. Eligibility; required number of taxicabs per applicant.

- (a) To be eligible to apply for a public vehicle for hire license, a person:
 - (1) Must be the owner of the vehicle;
 - (2) Must have a central office located in Marion County which shall be kept open twenty-four (24) hours each day for the purpose of receiving calls and dispatching public vehicles for hire within the city; and
 - (3) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application.
- (b) No person shall be eligible to apply for, or have the controller renew, public vehicle for hire licenses for taxicabs unless the number of taxicabs which are owned by that person, and which are licensed or

will be licensed if the application is approved, is twenty (20) or more; however, this limitation shall not apply to a person who has maintained at least one (1) valid public vehicle for hire license for at least one (1) eligible taxicab continuously ~~any subsequent renewal of a license which was valid on~~ since July 1, 2002.

SECTION 7. Section 996-47 of the "Revised Code of the Consolidated City and County," regarding fees for a public vehicle for hire's license, hereby is amended by the deletion of the language that is stricken-through and the addition of the language that is underscored, to read as follows:

Sec. 996-47. Fees.

(a) The annual fee for each public vehicle for hire license shall be one hundred dollars (\$100.00); ~~however, an inspection fee of fifty dollars (\$50.00) shall be added to the annual fee for each license of a limousine beyond the past ten (10) model years, and for each license of a taxicab beyond the past six (6) model years.~~

(b) In addition, the fee for an inspection of a taxicab beyond the past six (6) model years shall be sixty-five dollars (\$65.00) for an initial inspection of the taxicab and, if the initial inspection reveals that the taxicab does not comply with the motor vehicle equipment requirements of IC 9-19 and section 996-123 of the Code, thirty-five dollars (\$35.00) for any subsequent inspection.

SECTION 8. Section 996-54 of the "Revised Code of the Consolidated City and County," regarding a public vehicle for hire's removal from service, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 996-54. Removal from service.

If a licensed public vehicle for hire is inspected pursuant to section 996-53 and found not to comply with the motor vehicle requirements of IC 9-19 or section 996-123, any monthly ~~limousine or~~ taxicab certificate shall be immediately removed from the vehicle and canceled. The controller shall thereafter reinspect the vehicle upon the request of the licensee.

SECTION 9. Chapter 996, Article V, of the "Revised Code of the Consolidated City and County," regarding limousine licenses, hereby is REPEALED.

SECTION 10. Section 996-82 of the "Revised Code of the Consolidated City and County," regarding limousine fares, hereby is REPEALED.

SECTION 11. Section 996-85 of the "Revised Code of the Consolidated City and County," regarding airport fares, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 996-85. Airport fares.

(a) All licensees under this article shall comply with such rules as the Indianapolis Airport Authority may adopt regulating taxicab ~~and limousine~~ service for trips originating at the Indianapolis International Airport, including rules establishing or regulating fares, vehicle size and luggage compartments, provided such rules are adopted pursuant to this section.

(b) At least thirty (30) days prior to the adoption of any rules specified in subsection (a) of this section, the Indianapolis Airport Authority shall provide notice of the proposed rules by certified or registered mail to the office of the city controller and to the clerk of the city-county council.

(c) Rules adopted pursuant to subsection (a) of this section shall not be effective sooner than sixty (60) days after notice of their adoption is received via registered or certified mail by both the office of the city controller and the clerk of the city-county council.

SECTION 12. Section 996-108 of the "Revised Code of the Consolidated City and County," regarding limousine service, hereby is REPEALED.

SECTION 13. Section 996-135 of the "Revised Code of the Consolidated City and County," regarding location of central office and tax situs, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 996-135. Location of central office; tax situs.

The controller shall revoke a ~~limousine or~~ taxicab license if the central office of the owner or the tax situs of the vehicle is removed from Marion County.

SECTION 14. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 15. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 16. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 50, 2006 was retitled GENERAL ORDINANCE NO. 30, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 2006

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code for the purpose of clarifying the provisions that relate to unlawful noise.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 391-301 and 391-302 of the "Revised Code of the Consolidated City and County," regarding unlawful noises, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 391-301. Public policy.

It is hereby declared, as a matter of public policy of this city, ~~as follows~~:

- (1) That the making ~~and creation~~ of ~~loud, unnecessary or unusual noises of various kinds and by various means~~ sound of a volume, frequency, pattern, or duration that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of persons of ordinary sensitivities within the limits of the city ~~have~~ has so increased as to constitute a public nuisance; ~~and~~
- (2) That the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city;
- (3) That the ~~necessity, in the public interest, for the sole intent of~~ the provisions of this chapter is declared to be, as a matter of legislative determination for this declaration of public policy, to ~~be designed to~~ secure and promote the public health, ~~comfort, convenience,~~ safety, welfare, and prosperity, ~~and the peace and quiet comfort, and~~ repose of the inhabitants and visitors persons in this city by reducing unreasonable noise, and a determination of violation of this chapter may not be based on the content of any message conveyed during the creation of any noise or the identity of any person responsible for or associated with the creation of any noise.

Sec. 391-302. Unlawful noises.

(a) For purposes of this chapter, unreasonable noise shall mean sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the city, given the time of day and environment in which the sound is made.

(~~a~~b) Except as otherwise provided in this section, it shall be unlawful for any person to make, continue, or cause to be made or continued any ~~loud, unnecessary or unusual~~ unreasonable noise, ~~or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the city. Accordingly, the following acts, among others, are declared to be loud,~~

disturbing and unnecessary noises and in violation of this section, but such enumeration shall not be deemed to be exclusive:

(c) In addition to the foregoing, any person who performs any of the acts enumerated in this subsection, or who causes or allows the performance of any of such acts in or upon any property owned, occupied, or controlled by him, shall be in violation of this section.

(1) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle in any public street or public place of the city, ~~the creation by means of any such signaling device of any unreasonably loud or harsh sound; for an unnecessary and unreasonable period of time; the use of any signaling device except one (1) operated by hand, air or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the continued or repeated use of any such signaling device when traffic is for any reason held up, or in any parade, or in any group of vehicles in a manner that makes unreasonable noise and continuing to do so after being asked to stop.~~

(2) Radios and phonographs. Machines and devices for producing sound. Playing, using, or operating, or permitting to be played, used, or operated, any radio, or television receiving set, digital media player, loudspeaker, sound amplifier, musical instrument, phonograph, calliope or any other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto ~~that makes unreasonable noise and continuing to do so after being asked to stop,~~ except when a permit granted therefor for some special occasion is granted in effect. The operation of any such set, instrument, phonograph, machine or device ~~between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be~~ that produces sound plainly audible to a person with normal hearing at a distance of fifty (50) feet from the building, structure or vehicle in which it is located;

a. From any place other than the property on which the sound source is located when the machine or device is being operated between the hours of 10:00 p.m. and 7:00 a.m.;

b. From a distance greater than seventy-five (75) feet from the sound source of the machine or device when it is located in any public street or public place of the city; or

c. In any public conveyance other than a taxicab or jitney, except for a person who is voluntarily listening to the machine or device through earplugs;

shall be prima facie evidence of a violation of this subsection, except when a permit granted therefor for some special occasion is in effect.

(3) Loudspeakers, amplifiers for advertising. ~~Playing, using, or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound at any place upon the public streets or in any vehicle used for the transportation of persons for hire as a common carrier, for the purpose of commercial or other kind of advertising or attracting the attention of the public to any activity or building or structure, which is so used as to disturb and annoy other persons in their businesses, homes or elsewhere in their right of personal privacy and quiet.~~

(4) Yelling, or shouting. ~~Yelling, shouting, hooting, whistling, or singing on the in any public streets or public place of the city, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect.~~

(5) Animals or birds. ~~The keeping of any animal or bird which, by causing that makes frequent or long continued unreasonable noise, shall disturb the comfort or repose of any person in the vicinity and the failure to prevent the continuation of the unreasonable noise after being asked to do so.~~

(6) Steam whistles. The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, or one (1) operated by any other means, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of the proper city

authorities, in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect. The blowing of any such whistle between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the sound source is located shall be prima facie evidence of a violation of this subsection, except when a permit granted therefor for some special occasion is in effect.

- (76) Exhausts ~~blowers, engines, and motors.~~ The discharge into the open air of the exhaust of any steam operation or use of any engine, internal combustion engine, or any other type of engine or motor, power unit on a motorboat, motor vehicle, motorcycle, or other vehicle or craft of any kind, blower or power fan except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect; or operation or possession in any public street or public place of the city of any motor vehicle, motorcycle, or other machine powered by an engine or motor equipped with straight pipes, baffles, muffler cutouts, bypasses, an expansion chamber, or any exhaust system constructed or capable of being operated so that the exhaust bypasses the muffler or noise-reducing device, except when a permit granted therefor for some special occasion is in effect. Operation or possession of any engine, motor, power unit, blower, or power fan not equipped with a muffler or other noise-reducing device that complies with applicable federal, state, and local standards:

- a. In any public street or public place of the city between the hours of 10:00 p.m. and 7:00 a.m.; or
- b. Between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the sound source is located,

shall be prima facie evidence of a violation of this subsection. This subsection shall not apply to persons who are entrants or participants in a scheduled race or sporting event that involves the use of racing motor vehicles or equipment while involved in such activities, nor to owners or operators of equipment or devices used in the construction, demolition, or similar labor or maintenance trades.

- (87) Defect in vehicle or load. The use of any automobile, motorcycle, or other ~~kind of vehicles~~ vehicle so out of repair, or so loaded, or in such manner as to create unreasonable loud and unnecessary grating, grinding, rattling, or other ~~noises~~ noise and continuing to do so after being asked to stop.

- (98) Loading, unloading, opening boxes. The ~~creation of a loud and excessive noise in connection with~~ loading or unloading of any vehicle, or the opening ~~and or~~ destruction of bales, boxes, crates, ~~and or~~ containers in a manner that makes unreasonable noise and continuing to do so after being asked to stop. The emptying, pickup, or delivery of any trash container exceeding six (6) cubic feet between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the trash container is located, shall be prima facie evidence of a violation of this subsection.

- (102) Construction or repairing of buildings. The erection, demolition, alteration, or repair of any building, or the excavation therefor, ~~other than~~ between the hours of 7:00 a.m. p.m. and 6:00 p.m. 7:00 a.m. on Monday through Saturday, except:

- a. if in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the division of compliance of the department of metropolitan development, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days while the emergency continues; or
- b. If the division of permits should determine compliance determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation therefore, or of any streets and highways, sound made by such work between the hours of 6:00 7:00 p.m. and 7:00 a.m., or on Sunday, and that loss or inconvenience would result to any party in interest, it may grant and the division grants permission for such work to be done between the hours of 6:00 7:00 p.m. and 7:00 a.m.;

~~or on Sunday~~, upon application being made at the time the permit for the work is issued or during the progress of the work.

(+10) *Schools, courts, churches, hospitals.* The ~~creation making~~ creation making of ~~any excessive noise that is plainly audible to a person with normal hearing above normal ambient noise levels at a distance of fifty (50) feet from the source of the noise on any street adjacent to any school, institution of learning, church, or court, or hospital while it is in use, or adjacent to any hospital which unreasonably interferes with the operation thereof or which disturbs or unduly annoys patients in the hospital;~~ provided that conspicuous signs are displayed in such streets indicating that the ~~same has been declared and~~ area is a school, hospital, or other such quiet zone, shall be prima facie evidence of a violation of this section, except when a permit granted therefor for some special occasion is in effect.

(12) *Hawkers and peddlers.* ~~The loud shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.~~

(13) *Drums.* ~~The use of any drum, horn or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show or sale; except in a parade or place for which a permit has been granted.~~

(+11) *Transporting metal rails, pillars, and columns.* The transportation of rails, pillars, or columns of iron, steel, or other material over and along ~~the streets and~~ any public street or other public ~~places~~ place of the city, upon carts, drays, cars, or trucks ~~or in any other manner so loaded as to cause loud noises that makes unreasonable noise or as to disturb the peace and quiet of such streets or other public places and continuing to do so after being asked to stop.~~

(+12) *Railway cars, buses.* ~~Causing, or permitting or continuing any excessive, unnecessary and avoidable unreasonable noise in the operation of a bus or railway car by reason of defective conditions therein or of its tracks and continuing to do so after being asked to stop.~~

(+13) *Pile drivers, hammers.* The operation between the hours of ~~10:00~~ 7:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist ~~or other appliance the use of which is attended by loud or unusual noise, except:~~

a. ~~When being operated by a public utility in connection with emergency repairs of such utility; or~~

b. If the division of compliance of the department of metropolitan development determines that the public health and safety will not be impaired by sound made by such operation between the hours of 7:00 p.m. and 7:00 a.m., and that loss or inconvenience would result to any party in interest, and the division grants permission for such operation between the hours of 7:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is issued or during the progress of the work.

(17) *Blowers.* ~~The operation of any noise creating blower or power fan, or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.~~

(+14) *Vendor's vehicle.* Using, operating or playing, or permitting to be used, operated, or played, any bell, radio, musical instrument, ~~phonograph,~~ loudspeaker, sound amplifier, or other machine or device for producing or reproducing sound in or upon any vehicle used for the transportation and sale of any goods, wares or merchandise in ~~or upon any of the streets public street or highways within public place of the city, which sound-producing instruments are equipment is set to produce any noise, music, or sound in excess of one hundred fifteen (115) decibels, measured at six (6) inches from the sound-producing amplifier of the speaker; the use and or operation of any vehicle so equipped, with such sound-producing equipment in operation, between the hours of 10:00 p.m. and 10:00 a.m. of the succeeding day, in any public street or public place; or the use or operation of any such sound-producing equipment in or upon on any such vehicle while the vehicle is moving along or upon any public street or highway public place; it being the intent and purpose of this subsection to permit the use of such sound-producing equipment in or upon any such vehicle only when the vehicle is parked or standing still in or upon any street or highway and during the hours provided in this subsection.~~

~~(19) *Portable radios in public conveyances.* The audible using, operating or playing, or permitting to be used, operated or played, any radio, musical instrument or electronic recording device of any kind or character whatever in any public conveyance, except taxicabs and jitneys, operating in the city; provided, however, it shall not be unlawful to listen to any such device by means of earplugs inserted in the hearer's ear and inaudible to any other person.~~

~~(b) The first violation in any calendar year twelve (12) month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of this Code. All second and subsequent violations in the calendar year any twelve (12) month period are subject to the enforcement procedures and penalties provided in section 103-3 of this Code, and the fine imposed for a second violation in any twelve (12) month period shall not be less than \$250.00, and the fine for any subsequent violation in any twelve (12) month period shall not be less than \$500.00.~~

SECTION 2. Section 391-303 of the "Revised Code of the Consolidated City and County," regarding noisy houses disturbing the peace, hereby is REPEALED.

SECTION 3. Chapter 391 of the "Revised Code of the Consolidated City and County," regarding nuisances, hereby is amended by the addition of a NEW ARTICLE VII, to read as follows:

ARTICLE VII. SEVERABILITY

Sec. 391-701. Provisions of chapter declared severable.

In the event any section, subsection, clause, phrase, or portion of this chapter is for any reason held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remainder of this chapter. It is the legislative intent of the council that this chapter would have been adopted if such illegal provision had not been included or any illegal application had not been made.

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

NEW BUSINESS

President Gray wished General Counsel Aaron E. Haith a happy birthday.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Boyd and Nytes in memory of Alice Louise Clifford; and
- (2) Councillor Moriarty Adams in memory of Anne McAllen, Dorothy Meier, Dorothy Moody, Henrietta Skaggs, Joan Ehr Gott, and Dr. John Nohl; and
- (3) Councillor Randolph in memory of Karl A. Queisser; and
- (4) Councillor Cockrum in memory of Eugene Farmer; and

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- (5) Councillor Mansfield in memory of Cpl. Justin L. Huff; and
- (6) Councillor Randolph in memory of Erika L. Elam Thornton, Imants Karl Kleinops and LaTisha Renee Crittenden.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Alice Louise Clifford, Anne McAllen, Dorothy Meier, Dorothy Moody, Henrietta Skaggs, Joan Ehr Gott, Dr. John Nohl, Karl A. Queisser, Eugene Farmer, Cpl. Justin L. Huff, Erika L. Elam Thornton, Imants Karl Kleinops and LaTisha Renee Crittenden. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:33 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 13th day of February, 2006.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

